

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY)	MDL No. 1456
AVERAGE WHOLESALE PRICE LITIGATION)	Master File No. 01- 12257-PBS
)	Subcategory Case. No. 06-11337
)	
THIS DOCUMENT RELATES TO:)	Hon. Patti B. Saris
)	
<i>United States of America ex rel. Ven-A-Care of the</i>)	Magistrate Judge
<i>Florida Keys, Inc., et al. v. Dey, Inc., et al.,</i>)	Marianne B. Bowler
Civil Action No. 05-11084-PBS)	
)	

CONSENT MOTION TO ESTABLISH BRIEFING SCHEDULES

Defendants Dey Pharma, L.P. (formerly known as Dey, L.P.), Dey, Inc., and Dey L.P., Inc. (collectively “Dey”) hereby request, with the agreement of the United States, that the Court extend the time limit to respond to Plaintiffs’ Motion in Limine to Exclude Certain Testimony of Dr. Lauren Stiroh (Master Dkt. 7125) and to the United States’ Motion in Limine to Preclude Evidence of Government Knowledge as Irrelevant to Falsity, Scienter, Causation or Damages Under the False Claims Act (Dkt. 7131) and to establish briefing schedules. The parties have conferred and have agreed to the following briefing schedules:

Responses/Oppositions to Dkt. 7125 due: July 9, 2010

Responses/Oppositions to Dkt. 7131 due: July 14, 2010

WHEREFORE, Dey requests that the Court grant this motion, and enter an order setting forth the agreed-upon briefing schedules.

Dated: June 11, 2010

Respectfully Submitted,

KELLEY DRYE & WARREN LLP

By: /s/ Sarah L. Reid

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LOCAL RULE 7.1 CERTIFICATION

I certify that, on June 11, 2010, counsel for Dey consulted with counsel for the Government, who indicated that the Government consented to this motion.

/s Sarah L. Reid

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on June 11, 2010, a copy to LexisNexis File & Serve for posting and notification to all parties.

/s Sarah L. Reid